

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.10.2017

CORAM

THE HON'BLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HON'BLE MR.JUSTICE RMT.TEEKAA RAMAN

W.A.No.661 of 2017
and
C.M.P.No.9238 of 2017

The General Manager,
Larsen & Toubro Ltd.,
Pondicherry Works,
Works at Mylam Road,
Sedarapet,
Pondicherry-605 111. Appellant

-vs-

1.The Presiding Officer-cum-the learned Labour Court,
Puducherry-605 001.

2.D.Ramesh Respondents

Appeal filed filed under Clause 15 of the Letters Patent,
against the order passed by this Court in W.M.P.Nos.19672 and
19673 of 2016 in W.P.No.20524 of 2016 dated 13.03.2017.

W.M.P. No 19672/2016:

Petition praying this court pleased to direct the 1st
Respondent to pay the petitions his full last drawn wage of Rs.
14,582/- on or before 10th day of each english Calendar month
fill final disposal of this Writ petition and pay the arrears of
the same from the date of award of the Labour Court dated
22.11.2011 in I.D. No 10/2013 on the file of the 2nd Respondent.

W.M.P. No 19643/2016:

Directing the 1st respondent be deposit the entire arrears
of the petitioners back wages to credit of I.D. No 10/2013 on
the file of Labour Court puducherry and on such deposit permit
the petitioner to withdraw the same, respectively.

Prayer in W.P. 20524/2016:

petition filed under Article 226 of the constitution of
India, praying this court will be pleased to issue a Writ of
Certiorari or any other orded in the nature of Writ of Call for

records relating to impugned award dated 29.01.2016 passed by the 1st respondent vide I.D. (L) No. 10/ 2013 on the file of the learned Labour Court ,Puducherry.

For Appellant :: Mr.Prakash Adiapadam

For Respondents:: Mr.P.R.Thiruneelakandan for R2

JUDGMENT

(Judgment of the Court was delivered by
HULUVADI G.RAMESH, J.)

This writ appeal has been filed against the interim order passed by this Court in W.M.P.Nos.19672 and 19673 of 2016 in W.P.No.20524 of 2016 dated 13.03.2017.

2.It appears that the second respondent had worked under the appellant as Turner, and his services had been terminated after a period of 2 years, 8 months and 13 days by the appellant-Management. It is seen from the materials placed on record that the second respondent moved the first respondent-Labour Court in I.D.(L)No.10 of 2013 challenging the termination, and the Labour Court, by order dated 29.01.2016, passed an award directing to reinstate the workman with effect from 22.11.2011 with half back wages with continuity of service and other attendant benefits as applicable to them as per Labour laws. Challenging the said order, W.P.No.20524 of 2016 was filed before this Court by the Management. In that writ petition, the workman filed two miscellaneous petitions, viz. W.M.P.Nos.19672 and 19673 of 2016 for interim directions, and in those petitions, this Court passed the impugned interim order, directing the appellant Management to deposit the arrears of the last drawn salary payable to the workman from the date of dismissal to the date of filing the writ petition within a period of eight weeks and on such deposit, the workman was permitted to withdraw 50%. The Management was also directed to pay last drawn wages payable from the date of filing of the writ petition, till March 2017, within a period of six weeks. It was also ordered that as per Section 17-B of the Industrial Disputes Act, the appellant Management should have to pay the last drawn wages starting from April 2017 on or before 7th of every succeeding English calendar month. Aggrieved by the said order, the Management has come up with this appeal.

3.Heard the learned counsel on either side the perused the materials available on record.

4.This appeal is filed only against the interim order passed by this Court. It may not be difficult for the learned Single

Judge to dispose of the writ petition within a reasonable time. Further, it appears that the Management is also willing to settle the matter once for all and the interim order has also been complied with by the Management in the mean time. Considering the facts and circumstances of the case, this Court deems it fit to observe that the wages which have been ordered to be paid by the learned single Judge as per Section 17-B of the Industrial Disputes Act, shall be continued to be paid to the workman for a period of six months from today, within which period, we request the learned single Judge would dispose of the writ petition on merits. The parties shall cooperate for disposal of the writ petition within the said period.

5.The writ appeal is disposed of accordingly. Consequently, the connected miscellaneous petition is closed. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

KM
To

The Presiding Officer, Labour Court,
Puducherry-605 001.

+1 CC to Mr.P.R. Thiruneelakandan, Advocate sr 73428.
+1 CC to Mr.M. Vaikunth, Advocate sr 73683.

W.A.No.661 of 2017
and
C.M.P.No.9238 of 2017

SVI (CO)
SP(28/11/2017)

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